

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRENT SHIPP, et al.,
Plaintiffs,
v.
LIBBY SCHAAF, et al.,
Defendants.

Case No. 19-cv-01709-JST

**ORDER DISMISSING ACTION WITH
PREJUDICE**

On August 1, 2019, the Court held a hearing on Defendants' motion to dismiss. ECF No. 37. Plaintiffs neither filed an opposition to the motion nor appeared at the hearing. *Id.*

On August 15, 2019, the Court issued an order denying the motion to dismiss. ECF No. 34. The same order required Plaintiffs to attend the case management conference scheduled for September 24, 2019. ECF No. 34 at 5. In the order, the Court notified Plaintiffs that "[f]ailure to do so, or failure to otherwise comply with this order, will result in dismissal with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, which means that Plaintiffs will not be allowed to pursue their claims any further." *Id.*

Plaintiffs neither appeared on September 24, 2019 as ordered nor filed a case management statement. From these failures, as well as their prior failure to oppose Defendants' motion to dismiss or appear at the hearing at that motion, the Court concludes that Plaintiffs no longer wish

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1 to prosecute this case. Accordingly, and pursuant to the Court's August 15 order, this case is now
2 dismissed with prejudice.

3 **IT IS SO ORDERED.**

4 Dated: November 26, 2019

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6 JON S. TIGAR
United States District Judge